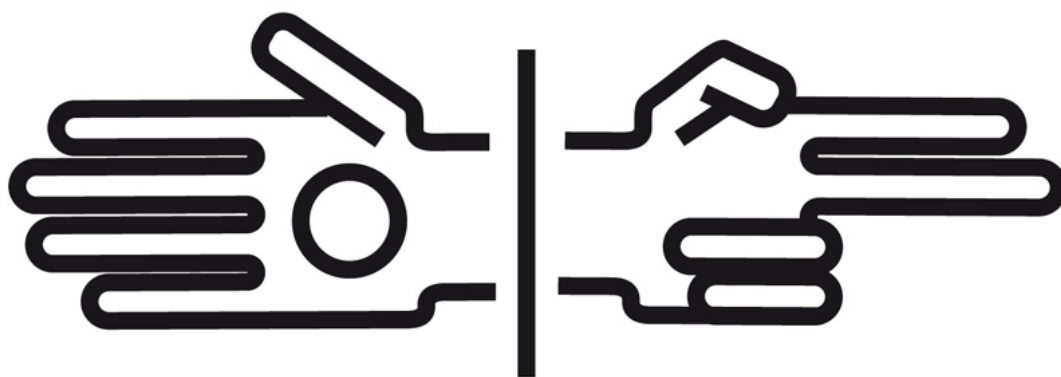


# POVERTY IS NOT A CRIME



## Background

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Though it has deservedly received the most media attention, Hungary is not alone in persecuting its homeless people with laws that criminalise the basic things that people have to do to survive and infringe on their human rights to live in dignity and safety. Examples of control policies on public spaces, bans on begging, and other measures that either directly target or inadvertently impact homeless people exist in cities across Europe including Athens, Brussels, Budapest, Lyon, Grenoble, Rotterdam, Montpellier, Barcelona, Vilnius, and many more.

Housing Rights Watch and FEANTSA are extremely concerned about the impact on homeless people of laws and regulations being passed at local, regional and national level that either specifically target homeless people or seriously impact their lives. These laws are unacceptable and ineffective means to address homelessness, and some are plainly impossible to enforce: for example fining homeless people up to €150 or more for sleeping outside. These fines are impossible for homeless people

to pay and it is more costly to the local authorities to keep someone in prison overnight than to provide appropriate housing.

It is indeed an alarming development that major European cities are proposing and adopting repressive measures and controlling public spaces to prevent homeless people from using them. In some cases there appears to be a disconnection between policy making levels. Many governments of EU Member States have committed to developing integrated homeless strategies and are promising to take steps towards ending homelessness, while at the same time some municipal administrations are using policies and laws that will exacerbate the social exclusion and human rights violations of people experiencing homelessness. These measures are cruel, since they punish the poorest and most vulnerable. They are also ineffective, since they only make homeless people invisible by hiding them from the wider society but do not offer any real solutions to tackle homelessness.

### **Poverty is Not a Crime: Campaign kick off – 8 June 2012**

FEANTSA and Housing Rights Watch are launching a campaign to raise awareness about the increasing criminalisation of homelessness in the EU. Our goal is to develop tools that can support campaigns by local organizations against the criminalization of homelessness and poverty.

At the Brussels kick off on 8 June, representatives from Greece, Hungary, France and Spain commented on the situation in their countries.

Selected quotes:

#### **Greece**

At the press event in Brussels on 8 June 2012, and citing the severe situation in Greece, which is exacerbated by austerity measures, **Dimtra Soulele**, from ARSIS said: “In Greece, the criteria for social protection actually exclude the majority of the homeless people from access to the basic services and goods that are necessary for their everyday survival”. Can you relate that better to criminalisation...

#### **Hungary**

At the press event in Brussels on 8 June 2012 an audio documentary from Budapest brought the voices of people who are fighting against severe and repressive laws in Hungary to Brussels: “The City is For All has been fighting against these laws for months. The current government has targeted homeless people, who are very vulnerable and really have nowhere else to go” said **Bálint Misetics** of The City is For All.

# Fact File

## Hungary

- On 15 April 2012 sleeping outside was banned by the national government in Hungary. People who are homeless and have no where to sleep can be fined up to 60 000 Forints (200€) which, if not paid, can be converted to imprisonment;
- If someone is charged with sleeping outside twice in 6 months, the automatic sentence is up to 60 days of imprisonment;
- Over the past few years, dozens of local authorities have criminalised “dumpster diving” (also known as “skipping” or going through garbage containers for useable or edible items); the Constitutional Court last year struck down one such ordinance as unconstitutional;
- Political context: The Hungarian government has no strategy to address homelessness and government funds for the assistance of the homeless have been decreasing for years. FIDESZ, the governing party elected Máté Kocsis, who has been at the forefront of the campaign to stigmatize, criminalize and harass homeless people, as its rapporteur on homelessness;
- The proportion of social housing within the housing stock in Hungary (less than 3%) is one of the lowest in Europe.

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## Greece

In Greece, there are legal provisions which do not directly criminalise homeless people, but there are laws and regulations that make it difficult for them to carry out basic acts in order to survive, for example, using public spaces, etc.

These include:

- Restricted access to social protection for irregular or undocumented migrants
- Begging bans
- regulations that control the occupancy and use of private and public spaces

The main groups affected by these provisions are Roma people, who are commonly threatened with eviction; as well as undocumented migrants, who are often arrested and detained after so-called “sweep operations”, on the grounds of public health protection and the prevention of criminality. The vast majority of these people are roofless or live in squalid conditions.

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■ European Federation of National Associations Working with the Homeless AISBL

Fédération Européenne d'Associations Nationales Travaillant avec les Sans-Abri AISBL

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## France

- Homeless people are very often severely harassed in city centres, primarily in tourist areas (Paris, etc.) because local business owners want to “clean up” these spaces. Police routinely demand that homeless people present their identity papers, forcibly remove them to other areas – far away from access to services.
- Since 2005 the parking spaces for over 400 000 travellers have been deemed illegal. This has resulted in forced evictions without trial and gave the police the power to impound the vehicles, as well as forcing people to leave the space.
- More and more local regulations (decrees) are being passed by local governments to forbid begging and to forbid going through garbage containers. This makes it illegal for people to recycle material from public rubbish bins or to beg for money.
- No public services are provided in slums (which are mainly populated by Roma from Romania); instead the police are dispatched. Until the early 2000s, slums were regulated or administered through a re-housing program and included social assistance. These budgets still exist, but they are no longer used by the government.
- Prostitution is neither legal, nor illegal. Prostitutes are forced out to the suburbs, face police harassment, and do not have any safety or stability.
- Forced eviction of squats without trial is common.

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## Brussels

- For the past 20 years Belgium has conflated "security" with "urban delinquency" and "incivilities." As a result, policy makers can transform the presence of homeless people into a security threat. As a “security threat”, homeless people are susceptible to being swept up into the legal system instead of receiving social assistance and services.
- "Administrative sanctions" were created in the 1990s to address urban delinquency. The sanctions can be applied immediately by police or administrative authorities, they typically carry a fine or other behavioral orders. They are designed to regulate difficult populations, especially homeless people. There is a distinct risk that the police or other authorities imposing these orders can be vindictive or selective when enforcing them. This puts vulnerable groups like homeless people at risk of being unfairly targeted.
- Gentrification: Belgian cities, as in other Western European countries, are undergoing a process of gentrification. Public spaces, including central squares and transit hubs, are being privatised. While they are normally public, access to these places has become a question of whether or not individuals are able to consume in them. Those who are unable to consume are excluded, often by the police through the application of civility laws.

Sources: Giannoni, D. (2007) ‘The control of Public Space: Brussels South Train Station’

FEANTSA Flash, Summer 2007, 9-10. <http://www.feantsa.org>.

Meert, H. et al. (2006) ‘The Changing Profiles of the Homeless People: conflict, rooflessness and the use of public space’. European Observatory on Homelessness, FEANTSA, Brussels.

Contact: **Pascal Debruyne** (on gentrification): [pascaldebruyne13@gmail.com](mailto:pascaldebruyne13@gmail.com)

# It's not all bad: Examples of good practice

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## Oporto and Almada, Portugal

In Portugal, there has been very positive cooperation between the police and the institutions who work with homeless people. The police have developed teams who are trained to be sensitive to the needs of vulnerable groups and to work with the community. The police work with outreach workers (Street Teams) and social centres to bring homeless people in contact with appropriate services. The police work with the outreach teams to indicate places where homeless people gather, they collaborate on monitoring and following up cases by regularly exchanging information with the technical teams; and they provide help in other situations. The Police are involved in the National Homelessness Strategy and are represented on the NPISA's (responsible committees for the local implementation of the National Homelessness Strategy) (source: [ricardo.ferreira@ami.org.pt](mailto:ricardo.ferreira@ami.org.pt))

## Deventer, the Netherlands

A group of citizens took the initiative to break into and clean up part of an old, empty hospital in the winter with the intention of turning it into a winter homeless shelter, for "unintentional homeless people" who did not have addiction problems or mental health issues. The group chose this target group because they believe there is not sufficient space in emergency shelters and other services are only targeted at drug users and people with mental health issues. The local authorities took the group to court, as the authorities wanted them to pay a €290 fine. The judge ruled that group would not be punished since the individuals were acting out of social conscience and also partly because the police failed to get permission from the court before arresting the group members (source: <http://www.destentor.nl/regio/deventer/11101903/Geen-straf-voor-krakers.ece>)

## Ireland

Irish housing associations are involved in implementing a new pilot mortgage to rent scheme aimed at vulnerable households whose mortgages have been deemed "unsustainable" and are in danger of losing their homes. The first owners are in the process of becoming tenants of a housing association and will pay income-related rent. The Irish Government launched the scheme following a report in autumn 2011 which included a proposal for a mortgage to rent scheme involving housing associations (FEANTSA Flash Newsletter February 2012, [http://www.feantsa.org/files/freshstart/Communications/Flash%20EN/PDF\\_2012/12\\_02\\_February\\_Flash\\_FEANTSA.pdf](http://www.feantsa.org/files/freshstart/Communications/Flash%20EN/PDF_2012/12_02_February_Flash_FEANTSA.pdf))

## Brussels, Belgium

In 1999, "B-Security," a private security company employing hundreds of security guards, was hired to provide internal surveillance of the Brussels South (Midi/Zuid) train station. According to Meert *et al* (2006) and Giannani (2007), the security guards removed homeless

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people from the station, cutting them off from vital services, such as toilets and water, as well as barring them from an area that provided cultural and social development, often using violent tactics. 2006 saw the creation of the 'collectif du midi,' a group of non-profit associations, homeless service providers and charities that organized with the homeless users of the South station to intervene with B-security. The collectif documented instances of abuse and exclusion. Meert noted that the intervention, supported by the documentation of abuse, succeeded in forcing B-Security to renegotiate the tactics they used against homeless people. Notably, B-Security agreed to introduce the notion of solidarity to their treatment of homeless people and their approach noticeably softened.

Source: Giannoni, D. (2007) 'The control of Public Space: Brussels South Train Station' FEANTSA Flash, Summer 2007, 9-10. <http://www.feantsa.org>.

Meert, H. Stuyck, C., José Cabrera, P., Dyb, E., Filipovic, M., Gyori, P., Hradecký, I., Loison, M., and Maas, R. (2006) The Changing Profiles of the Homeless People: conflict, rooflessness and the use of public space. Transnational Report, Working Group 2, European Observatory on Homelessness, FEANTSA, Brussels. <http://www.feantsa.org>.

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